

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TREVOR MANNY ANDERSON,)
Plaintiff,)
v.) NO. 3:11-0806
COMMISSIONER TENNESSEE)
DEPARTMENT OF CORRECTIONS,)
et al.,)
Defendants.)) Judge Sharp/Brown

ORDER

The Court has received a letter from the plaintiff dated December 26, 2011, which the Clerk has docketed as Docket Entry No.46). This matter should be docketed as a motion to extend time.

The Magistrate Judge notes that the plaintiff has not provided a certificate of service showing that he has served a copy of this pleading on counsel for the defendants. The plaintiff should style anything he files with the Court with a caption similar to that used in this order and he must, in addition to signing the pleading, certify that he has sent a copy to opposing counsel. A proper certificate of service would be as follows:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid to counsel for the defendants, James L. Pope, Tennessee Attorney General's Office, P.O. Box 20207, Nashville, TN 37202, and Marty Roy Phillips, Rainey, Kizer, Reviere & Bell, PLC, 209 E. Main Street, P.O. Box 1147, Jackson, TN.

<Plaintiff's name>

This letter to the Court is neither signed nor is there a certificate of service. The Clerk is directed not to accept for filing any further documents from the plaintiff which do not contain a proper certificate of service.

Nevertheless, the Magistrate Judge has considered the plaintiff's request. At the present time there is pending before Judge Sharp a report and recommendation entered by the Magistrate Judge on November 30, 2011, recommending that the plaintiff's motion for preliminary injunction be denied. The time to object to that report and recommendation was 15 days and that time has passed. There is also pending a motion to dismiss (Docket Entry No. 38) filed by the defendant Schofield on December 5, 2011, and a motion for summary judgment filed by the defendants Andrews, Arnold, Correctional Medical Services, Inc., and Dr. Sator on December 14, 2011 (Docket Entry No. 43). Both Docket Entry Nos. 38 and 43 are dispositive motions and under the scheduling order (Docket Entry No. 41) the plaintiff has 28 days in which to respond to these motions.

The Magistrate Judge will **GRANT** the plaintiff until **January 18, 2012**, to respond to these two motions. The plaintiff is warned that failure to respond can be taken to mean that the plaintiff has no objection to the motions, and if the Magistrate Judge believes they have merit he may recommend that they be granted.

It is so **ORDERED**.

/s/ Joe B. Brown

JOE B. BROWN

United States Magistrate Judge